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Yoad Gidron

M09/4

7280

7590

05/19/2005

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EXAMINER

GAUTHIER, GERALD

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/987,514

Applicant(s)

GIDRON ET AL

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claim(s) 1-15 and 17-25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rouse et al. (US 6,757,530 B2) in view of McLlroy et al. (US 6,701,521 B1).

Regarding **claim(s) 1**, Rouse discloses a method for provisioning a user application by a content provider for delivery to a limited resource device through an integrated platform (column 1, lines 17-22), comprising:

creating the user application by the content provider (FIG. 1 and column 6, lines 25-36) [The user application is created on the server 120];

submitting the user application to the integrated platform by the content provider (FIG. 1 and column 6, lines 15-24) [The server 120 submits the user application to the mobile server provider 116 providing communication with wireless devices for transmitting the information to the device].

Rouse discloses providing the wireless devices access to applications but fails to disclose examining the user application by the integrated platform to determine which of plurality of predetermined limited resource devices the user application is compatible with and if the user application is accepted, publishing the user application by the integrated platform and enabling only those limited-resources devices found to be compatible with the user application, to download the user application.

However, McLlroy in the same field of endeavor teaches examining the user application by the integrated platform to determine which of plurality of predetermined limited resource devices the user application is compatible with (FIG. 9A and 9B and

column 13, lines 7-21) [The software manager system 950 manages the application description setting for a particular application which is compatible with the portable computer];

if the user application is accepted, publishing the user application by the integrated platform and enabling only those limited-resources devices found to be compatible with the user application, to download the user application (FIG. 9A and 9B and column 13, lines 22-32) [The software manager system 950 retrieves from the application sources based on the description received from the portable computer].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Rouse by adding the software manager as taught by McLlroy.

The modification will allow the system to provide administrative privileges such that the user would benefit of not knowing the particulars of the application to be installed.

Regarding **claim(s) 2**, Rouse discloses the limited resource device is a wireless communication device (column 5, lines 32-42).

Regarding **claim(s) 3**, Rouse discloses the limited resource device is a cellular telephone (column 5, lines 32-42).

Regarding **claim(s) 4**, Rouse discloses publishing the user application includes adding the user application to a content directory, such that the user application forms a node of the content directory (column 7, lines 26-45).

Regarding **claim(s) 5**, Rouse discloses the content directory is divided into a plurality of categories, and the user application is added to the content directory according to at least one category (column 7, lines 26-45).

Regarding **claim(s) 6**, Rouse discloses a user browses for a user application according to the category (column 7, lines 26-45).

Regarding **claim(s) 7**, Rouse discloses the user application is reached through a plurality of paths in the content directory, such that the user application is shared by a plurality of categories in the content directory (column 7, lines 26-45).

Regarding **claim(s) 8**, Rouse discloses the content directory features a plurality of categories, such that the user application is associated with a plurality of the categories and such that the user browses for the user application through a plurality of paths of the content directory (column 7, lines 47-58).

Regarding **claim(s) 9**, Rouse discloses a service package for determining whether the user application is retrievable by the limited resource device is associated with at least one category (column 7, lines 59-67).

Regarding **claim(s) 10**, Rouse discloses the node features at least one attribute for performing at least one of delivering the user application to the limited resource device, searching for user applications through the content directory and filtering user applications (column 8, lines 1-18).

Regarding **claim(s) 11**, Rouse discloses the filtering is performed at least for determining whether the user application may be provided to the limited resource device (column 8, lines 1-18).

Regarding **claim(s) 12**, Rouse discloses the filtering is performed according to at least one of supported types of limited-resource devices, languages and user eligibility for content (column 8, lines 1-18).

Regarding **claim(s) 13**, Rouse discloses the filtering is performed for personalizing the content directory for display to the user (column 8, lines 45-55).

Regarding **claim(s) 14**, Rouse discloses the user application is created in a plurality of flavors, each flavor being associated with a particular type of limited resource device (column 8, lines 45-64).

Regarding **claim(s) 15**, Rouse discloses each flavor features at least one of an attribute for defining at least one supported type of limited resource devices and an attribute for defining at least one supported language of the flavor (column 7, lines 26-45).

Regarding **claim(s) 17**, Rouse discloses examining the user application includes validating at least one characteristic of the user application (column 8, lines 1-18).

Regarding **claim(s) 18**, Rouse discloses if the user application is validated, examining the user application further includes testing at least one function of the user application (column 8, lines 1-18).

Regarding **claim(s) 19**, Rouse discloses the user application is accepted only if the testing is successful (column 8, lines 1-18).

Regarding **claim(s) 20**, Rouse and McLlroy disclose all the limitation of **claim(s) 20** as stated in **claim(s) 1'** s rejection and furthermore Rouse discloses:

- (a) a limited resource device (130 on FIG. 1);



- (b) a content provider (116 on FIG. 1); and
- (c) a service provider (column 5, lines 32-42).

Regarding **claim(s) 21**, Rouse discloses the service provider further comprises a plurality of components, each component providing a service to at least one of the limited resource device and the content provider, wherein the plurality of components is organized according to at least one of a distributed manner and an integrated platform (column 8, lines 12-45).

Regarding **claim(s) 22**, Rouse discloses the plurality of components is organized in the integrated platform, the system further comprising at least one service provider component for providing a service to the limited resource device (column 8, lines 12-45).

Regarding **claim(s) 23**, Rouse discloses the service provider further determines a "flavor" of the user application for a particular type of limited resource device (column 8, lines 12-45).

Regarding **claim(s) 24 and 25**, Rouse and McIlroy disclose all the limitations of **claim(s) 24 and 25** as stated in **claim(s) 1**'s rejection above and furthermore Rouse discloses altering at least one function of the user application according to the at least one characteristic of the limited resource device (column 8, lines 1-18) [The design filter

314 validates the application before the application may be used by a wireless servlet at run-time].

5. **Claim(s) 16** is rejected under 35 U.S.C. 103(a) as being unpatentable over Rouse and McLlroy as applied to **claim(s)1** above, and further in view of Palaniswamy et al. (US 6,591,095 B1).

Regarding **claim(s) 16**, Rouse as applied to **claim(s) 15** above differs from **claim(s) 16** in that it fails to disclose the flavor is contained in a JAR (java archive) file.

However, Palaniswamy teaches the flavor is contained in a JAR (java archive) file (column 8, lines 50-57).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Rouse by adding the flavor in a JAR (java archive) file as taught by Palaniswamy.

The modification will allow the system to provide administrative privileges such that the user would have administrative responsibilities.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**GERALD GAUTHIER**  
**PATENT EXAMINER**

Gerald Gauthier  
Examiner  
Art Unit 2645

g.g.  
May 16, 2005

  
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